

Land Law (Ireland) Act (1887) Amendment
(Leaseholders) Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Power of Land Commission Court to order a sale of a lease or grant to which this Act applies.
 2. Leases and grants to which this Act shall apply.
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 6. Obligations of the Land Commission as regards the carrying out of sales.
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 9. Annual instalment for repayment of purchase money to be settled by the Land Commission.
 10. Alternative power to lessor or grantor to elect to have holding brought within first section of the Land Law (Ireland) Act, 1887.
 11. Definitions.
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TO

Amend the Land Law (Ireland) Act, 1887, in regard to
Leaseholders.

A.D. 1889.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

- 5 1. At any time within two years after the passing of this Act, on the application in the prescribed manner to the court by the lessee or grantee of any lease or grant to which this Act applies as herein-after defined, the court may, after such hearing of the parties as it may think necessary, order that all the estate and
10 interest reserved or granted to or vested by such lease or grant in the person or persons making such lease or grant, or the persons deriving title under him or them in the lands thereby demised or held, be sold by the lessor or grantor to the lessee or grantee at a price fixed or determined by the court, and thereupon the lessor
15 or grantor and the lessee or grantee under such lease or grant shall be bound respectively to sell or purchase such estate and interest at such price, subject to the provisions herein-after contained.
2. A lease or grant to which this Act applies shall be either—
- 20 (a.) A lease existing at the passing of the Land Law (Ireland) Act, 1881, for years or lives, or life or lives, or life and years, concurrently or otherwise, the lessee whereof is in bonâ fide occupation of the lands thereby demised, and would at the expiration thereof be deemed to be a tenant of a present
25 ordinary tenancy from year to year within the meaning of the Land Law (Ireland) Act, 1881, in respect of such demised lands, at the rent and subject to the conditions of such lease, but for the fact that such lease would not expire within sixty years after the passing of the said Act, and which lease is excluded from the provisions of the first section of the
30 Land Law (Ireland) Act, 1887, by the fact that such lease is

Land Commissioners may order a sale of a lease or grant to which this Act applies.

Lessee and grantee to which this Act shall apply.

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not a lease expiring, or by said section deemed to be expiring, within *ninety-nine years* after the passing of the Land Law (Ireland) Act, 1881; or

- (b.) A grant of any lands whether in perpetuity, or for lives or life, or determinable on the happening of any event, and entitling the grantee and the persons deriving title under him to the actual possession of such lands in perpetuity, or for such period or until the happening of such events as aforesaid, which if such grant were a lease in perpetuity, or for the same period, or determinable upon the happening of the same events, would have been a lease to which this Act applies as defined by clause (a.) of this section. 5 10

Provided always, that a lease or grant shall not be deemed to be a lease or grant to which this Act applies unless the court shall be of opinion that the rent reserved or granted thereby or payable thereunder to the lessor or grantor is greater than a fair rent within the meaning of the eighth section of the Land Law (Ireland) Act, 1881. 15

Power of court to make such orders as may be necessary for carrying sale into effect.

3. Subject to any agreement between the parties, which they may have power to enter into and carry into effect independently of this Act, a sale ordered by the court under this Act shall be completed and carried into effect subject and according to the provisions of this Act, and the lessor and grantor, and the lessee and grantee, and all persons deriving title under them respectively or otherwise interested in the lands in which such estate and interest is ordered to be sold as aforesaid, shall, to the extent of their respective rights and powers, statutory or otherwise, whether vested in them for their own benefit or as trustees or otherwise, be bound to obey any order which the court may think it necessary to make in or for completing or carrying into effect such sale and vesting the estate and interest thereby sold in the lessee or grantee, or if the court so directs in the Land Commission: Provided always, that any person aggrieved by any such order of the court may appeal in the prescribed manner to Her Majesty's Court of Appeal in Ireland from such order, save in so far as same is an order for such sale as aforesaid, or is an order fixing the purchase money payable in respect thereof. 20 25 30 35

Power of lessors as regards the carrying out of sales.

4. In the case of a sale under this Act the lessor or grantor shall have, in respect of the estate and interest so ordered to be sold, and in addition to any powers which he may otherwise have, all the powers by the provisions of the Land Law (Ireland) Acts conferred on a landlord in the case of a sale or an agreement for a sale under 40

the said Acts by the landlord to the tenant of his holding, and also all the powers by the Settled Land Acts conferred on a tenant for life. A.D. 1889.

5 5. A sale ordered by the court under this Act shall be deemed to be a sale by the landlord to the tenant of his holding, and to be an agreement for such sale within the meaning of the Land Law (Ireland) Acts, and all the provisions of the Land Law (Ireland) Acts in reference to the purchase by the tenant of his holding, and the sale thereof to him by the landlord, and the agreement for such sale shall apply to a sale under this Act accordingly, save so far as such provisions are hereby varied or amended in reference to a sale under this Act by the provisions following; that is to say, Provisions of the Land Law (Ireland) Acts as regards land purchase to attach to sales under this Act, with certain exceptions.

15 (a.) When a sale has been ordered under this Act the Land Commission shall, if so required by the lessor or grantor, or by the lessee or grantee, advance to the purchaser the whole of the purchase money, and shall pay the same to the lessor or grantor, or other the person or persons in the opinion of the court entitled thereto, or shall pay the same into the Bank of Ireland, according to the provisions of the Land Law (Ireland) Acts, and on such payment being made into the said bank the same powers shall be exercisable by the Land Commission and the same consequences shall ensue as if such payment had been a payment made in pursuance of the Land Law (Ireland) Act, 1887.

20 25 (b.) No guarantee deposit shall be required by the Land Commission to be deposited or retained in respect of a sale under this Act, and the provisions of the Land Law (Ireland) Acts in reference to a guarantee deposit shall not apply to such sale.

30 (c.) The Land Commission, after the court has ordered a sale under this Act and fixed the purchase money, shall not require to be further satisfied as to the sufficiency of the value of the estate and interest chargeable with the repayment of the purchase money.

35 Save as aforesaid, the provisions of the Land Law (Ireland) Acts as to advances thereunder to tenants for the purchase of their holdings and the repayment of such advances, and as to securing such repayment, shall apply to any advance under this Act.

40 6. For the purpose of completing a sale under this Act, and vesting in the lessee or grantee the estate and interest thereby sold, the Land Commission shall act for the lessee or grantee, and shall make all requisitions and take all steps which they may think Obligations of the Land Commission as regards the carrying out of sales.

A.D. 1889. necessary on his behalf, and may act in all respects as if they were the agents authorised in that behalf by the lessee or grantee, or as if such sale were a sale to the Land Commission.

Cost of sales to be defrayed by a per-centage thereon to be charged to purchasers.

7. The lessee or grantee shall pay to the Land Commission in discharge of all costs and expenses for which he shall be liable in respect of the proceedings consequent on and subsequent to the order for sale and determination of the purchase moneys, and including the completion of the sale and the vesting in him of the estate and interest sold, a sum ascertained by a scale to be fixed by the Land Commission, and not exceeding per cent. on the amount of the purchase money. 5 10

Vendors to be repaid expenses necessarily incurred in completing sales.

8. The Land Commission shall pay to the lessor or grantor and any other persons interested in the estate and interest sold under this Act the costs and expenses which in the opinion of the court have been properly and necessarily incurred by such lessor or grantor, or other persons, in completing a sale under this Act, and in vesting as the Land Commission shall direct the estate and interest sold; and the court, if of opinion that any such person has acted unreasonably, negligently, or improperly in reference to such sale, or the completion thereof, or the orders of the court in respect thereof, shall (in addition to the other powers of the court for enforcing its orders) have power to deprive such person of any costs or expenses to which he would have been otherwise entitled, and to order such person to pay any costs or expenses in the opinion of the court caused or incurred by such unreasonable, negligent, or improper conduct. 15 20 25

Annual instalment for securing the repayment of purchase money to be voted by the Land Commission.

9. The court shall in the order fixing the purchase money payable in respect of a sale under this Act specify the annual sum and number of years purchase of such annual sum upon which such purchase money has been calculated. 30

Alternative power reserved to lessor to have a fair rent fixed on the holding.

10. Within the prescribed time after the making of an order fixing the purchase money as aforesaid, the lessor or grantor may serve in the prescribed form a notice to the lessee or grantee and to the Land Commission that he elects that the lease or grant be deemed to be a lease to which the first section of the Land Law (Ireland) Act, 1887, applies, and thereupon all powers of compulsory purchase under this Act shall cease, and the lessee or grantee shall become a present tenant under the first section of the Land Law (Ireland) Act, 1887, in respect of the lands demised or held by such lease or grant as if the same were a lease to which 35 40

such section applied, and in respect of which the application by the lessee thereby authorised had been made. A.D. 1888.

11. In this Act, unless the context otherwise requires—

Definitions.

The expression "lessor" shall include the person or persons for the time being entitled to receipt of the rents reserved by the lease:

The expression "grantor" shall include the person or persons for the time being entitled to the receipt of rent payable to the grantor:

The expression "lessee" shall include the person or persons for the time being entitled under the lessee's interest:

The expression "grantee" shall include the person or persons for the time being entitled under the grantee's interest:

The expression "prescribed" when used with reference to proceedings before the Land Commission means prescribed by rules made under the Land Law (Ireland) Act, 1881; when used with reference to other proceedings, means prescribed by rules made under the Supreme Court of Judicature Act (Ireland), 1877, as amended by this or any other Act:

The definitions contained or incorporated in the Land Law (Ireland) Acts shall apply to this Act:

The expression "Land Law (Ireland) Acts" includes the Landlord and Tenant (Ireland) Act, 1870, the Land Law (Ireland) Act, 1881, Part II. of the Tramways and Public Companies (Ireland) Act, 1883, the Purchase of Land (Ireland) Act, 1885, the Land Law (Ireland) Act, 1887, and any Act amending them.

Land Law (Ireland)
Act (1887) Amend-
ment (Leaseholders).

B I L L

To amend the Land Law (Ireland) Act,
1887, in regard to Leaseholders.

*(Proposed and brought on by
Mr. T. W. Russell, B. Law, and
Mr. William Russell.)*

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[Under 1. (a) Page 14.]

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